

AMENDED IN ASSEMBLY APRIL 19, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1500**

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**Introduced by Assembly Member Hancock**

February 23, 2007

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An act to amend Section 17074.10 of, and to add Sections 17073.30 and 17074.28 to, the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1500, as amended, Hancock. School facilities: modernization funding.

The Leroy F. Greene School Facilities Act of 1998 establishes the eligibility of a school district to receive an apportionment for the modernization of a permanent school building that is more than 25 years old or a portable classroom that is at least 20 years old. A school district is eligible to receive an additional apportionment for the modernization of a permanent school building every 25 years after the date of the previous apportionment or a portable classroom every 20 years after the previous apportionment. The State Allocation Board is required to determine the total funding eligibility of a school district for modernization funding by multiplying the specified amounts by each pupil of the grade level housed in school buildings that satisfy the modernization time requirements. The board is required to adopt rules and regulations for the administration of the act, except as otherwise prohibited.

This bill would change the calculation of the total funding eligibility of a school district for modernization funding from requiring the board to multiply fixed amounts by the appropriate numbers of pupils, to requiring the board to multiply the specified new construction

per-unhoused-pupil grant eligibility amount by 43.19 percent, then multiplying that product by each pupil of the appropriate grade level housed in school buildings that satisfy the modernization time requirements.

~~A school district that expended modernization funding for seismic evaluation, repair, reconstruction, or replacement, on or after January 1, 1998, on a project that received specified funding and did not receive specified funding for those purposes from the funding available pursuant to the Kindergarten-University Public Education Facilities Bond Act of 2006 would be required to have its modernization eligibility restored based on the total state and local funds expended for the seismic evaluation, repair, reconstruction, and replacement and the most current per pupil modernization grant amount. The board would be authorized to adopt regulations requiring that the seismic evaluation, repair, reconstruction, and replacement expenditures be certified by a licensed structural engineer or architect.~~

*The bill would require the board to develop regulations to implement a modernization grant program, including, but not limited to, a grant amount, for school districts that, from January 1, 1999, to December 31, 2006, inclusive, expended modernization funding for seismic evaluation, repair, reconstruction, or replacement of the most vulnerable school facilities that were a Category 2 building, as defined in a specified report.*

~~The board would be required~~ *bill would require the board* to adjust the per pupil modernization grant amount to include ~~specified percentages~~ 60% of the additional costs of compliance with the requirements related to the federal Americans with Disabilities Act of 1990 specified by the Division of the State Architect for a modernization project receiving specified funding. However, the board also would be required to establish a method of providing up to 100 percent of the increased costs of compliance with those requirements specified by the Division of the State Architect for a school district that qualifies for specified hardship assistance.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 ~~SECTION 1. Section 17073.30 is added to the Education Code,~~
- 2 ~~to read:~~

1     ~~17073.30. (a) A school district that expended modernization~~  
2 ~~funding for seismic evaluation, repair, reconstruction, or~~  
3 ~~replacement, on or after January 1, 1998, on a project that received~~  
4 ~~funding pursuant to Section 17074.10 and did not receive funding~~  
5 ~~for seismic evaluation, repair, reconstruction, or replacement from~~  
6 ~~the funding available pursuant to paragraph (1) of subdivision (a)~~  
7 ~~of Section 101012, shall have its modernization eligibility restored.~~

8     ~~(b) The number of modernization grants restored shall be based~~  
9 ~~on the total state and local funds expended for the seismic~~  
10 ~~evaluation, repair, reconstruction, and replacement divided by the~~  
11 ~~most current per pupil modernization grant amount.~~

12     ~~(c) The board may adopt regulations requiring that the seismic~~  
13 ~~evaluation, repair, reconstruction, and replacement expenditures~~  
14 ~~be certified by a licensed structural engineer or architect.~~

15     ~~SECTION 1. Section 17073.30 is added to the Education Code,~~  
16 ~~to read:~~

17     ~~17073.30. The board shall develop regulations to implement~~  
18 ~~a modernization grant program, including, but not limited to, a~~  
19 ~~grant amount, for school districts that, from January 1, 1999, to~~  
20 ~~December 31, 2006, inclusive, expended modernization funding~~  
21 ~~for seismic evaluation, repair, reconstruction, or replacement of~~  
22 ~~the most vulnerable school facilities that were Category 2~~  
23 ~~buildings, as defined in the report submitted pursuant to Section~~  
24 ~~17317.~~

25     ~~SEC. 2. Section 17074.10 of the Education Code is amended~~  
26 ~~to read:~~

27     ~~17074.10. (a) The board shall determine the total funding~~  
28 ~~eligibility of a school district for modernization funding by~~  
29 ~~multiplying the new construction per-unhoused-pupil grant~~  
30 ~~eligibility amount determined pursuant to Section 17072.10 and~~  
31 ~~17072.11 by 43.19 percent, then multiplying that product by each~~  
32 ~~pupil of the appropriate grade level housed in school buildings~~  
33 ~~that satisfy the requirements of Section 17073.15.~~

34     ~~(b) The board shall ensure that the calculation set forth in~~  
35 ~~subdivision (a) includes the annual adjustment for inflation set~~  
36 ~~forth in the statewide cost index for class B construction, as~~  
37 ~~determined by the board.~~

38     ~~(c) The board may adopt regulations to be effective until July~~  
39 ~~1, 2000, that adjust the amounts identified in this section for~~  
40 ~~qualifying individuals with exceptional needs, as defined in Section~~

1 56026. The regulations shall be amended after July 1, 2000, in  
2 consideration of the recommendations provided pursuant to Section  
3 17072.15.

4 (d) It is the intent of the Legislature that the amounts provided  
5 pursuant to this article for school modernization do not include  
6 funding for administrative and overhead costs.

7 (e) For a school district having an enrollment of 2,500 or less  
8 for the prior fiscal year, the board may approve a supplemental  
9 apportionment of up to two thousand five hundred dollars (\$2,500)  
10 for any modernization project assistance. The amount of the  
11 supplemental apportionment shall be adjusted in 2001 and every  
12 year thereafter by an amount equal to the percentage adjustment  
13 for class B construction.

14 (f) For a portable classroom that is eligible for a second  
15 modernization, the board shall require the school district to use  
16 the modernization funds to replace the portable classroom and to  
17 certify that the existing eligible portable classroom will be removed  
18 from any classroom use, unless the school district is able to  
19 document that modernizing the portable classroom is a better use  
20 of public resources. The capacity and eligibility of the school  
21 district shall not be adjusted for replacing a portable classroom  
22 pursuant to this subdivision and Section 17073.15.

23 SEC. 3. Section 17074.28 is added to the Education Code, to  
24 read:

25 17074.28. (a) The board shall adjust the per pupil  
26 *modernization* grant amount for a school district calculated in  
27 Section 17074.10 to include 60 percent of the additional costs of  
28 compliance with the requirements related to the federal Americans  
29 with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.)  
30 specified by the Division of the State Architect for a modernization  
31 project funded pursuant to Section 17074.10.

32 ~~(b) If the costs of compliance with the requirements related to~~  
33 ~~the federal Americans with Disabilities Act of 1990 specified by~~  
34 ~~the Division of the State Architect exceed 50 percent of the total~~  
35 ~~cost of a project funded pursuant to Section 17074.10, the board~~  
36 ~~shall adjust the per pupil grant amount for a school district~~  
37 ~~calculated pursuant to Section 17074.10 to include 100 percent of~~  
38 ~~the increased costs of the project due to compliance with those~~  
39 ~~requirements.~~

40 ~~(c) Notwithstanding subdivisions (a) and (b)~~

1     ***(b) Notwithstanding subdivision (a),*** the board shall establish a  
2 method of providing up to 100 percent of the increased costs of  
3 compliance with the requirements related to the federal Americans  
4 with Disabilities Act of 1990 specified by the Division of the State  
5 Architect for a school district that qualifies for hardship assistance  
6 pursuant to paragraph (1) of subdivision (b) of Section 17075.10.

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